IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36729 of 2008
BIRENDRDA PRASAD
son of Ram Lakhan Paswan,
Resident of Village- Diyawani,
P.S.- Deepnagar, District- Nalanda
Versus
STATE OF BIHAR
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2 **24.10.2008** Heard learned counsels for the petitioner and the State.

Petitioner is an accused for the offence under section 420, 120B of the Indian Penal Code.

The allegation is that the petitioner being the Panchayat Secretary was one of the members of the Selection Committee made selection violating the government rule that no candidate should appointed as Anganbari Sevika in whose family any member is a Government Servant or a Semi Government Servant. Allegation is that selection committee appointed the candidate whose father was a Semi Government Servant.

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It has been submitted on behalf of the petitioner that the appointment was not made by the petitioner who was the Panchayat Secretary, but by the Selection Committee consisting 7-8 members of which the petitioner was only a member. It is further submitted that the candidate in question had furnished an affidavit stating to the effect that no members of her family is a Government Servant or a Semi Government Servant, and

as such, on considering the same selection was made, however on detecting the correct fact her appointment was later cancelled.

Learned counsel appearing for the State submits that although the petitioner was only a member of the Selection Committee, however being the Panchayat Secretary he is very much responsible for the alleged appointment.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Birendra Prasad be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda, in connection with Sare P.S.Case No. 1 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**